

Dr. Sudha Nahata.

S.B. Civil Writ Petition No. 1491/2007

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Date of Order: May 24, 2007

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Sandeep Shah, for the petitioner.

BY THE COURT:

By the instant writ petition, the petitioner has challenged the action of the respondents to screen for the purpose of short-listing for appointment on the post of Senior Demonstrator in the Specialities of Microbiology and Bio-Chemistry.

Succinctly stated, the facts of the case is that the petitioner, in pursuance of the advertisement dated 25-11-2005 (Annx.5) issued by the respondents, applied for her candidature for the post of Senior Demonstrator in the Specialities of Microbiology and Bio-Chemistr. The grievance of the petitioner is that she has not been called for interview for the said post despite the fact that she has completed six years service as the

Medical Officer on account of screening of candidates for short-listing and as such she has challenged the short-listing adopted by the respondents.

So far as the prayer for declaring the short-listing method as an illegal is concerned, the legal position is well-settled and the respondents are within their domain to adopting the short-listing method.

In Government of Andhra Pradesh Vs. P. Dilip Kumar, (1993) 2 SCC 310, the Hon'ble Supreme Court held that it was always open to the recruiting agency to screen candidates due for consideration at the threshold of the process of selection by prescribing higher eligibility qualification so that the field of selection can be narrowed down with the ultimate objective of promoting candidates with higher education to enter the zone of consideration.

In M.P. Public Service Commission Vs. Navnit Kumar Potdar, (1994) 6 SCC 293, the Hon'ble Supreme Court held that for the purpose of shortlisting a longer period of experience than the minimum prescribed was used as a criterion by the Public Service Commission for calling candidates for interview and the Hon'ble Apex Court upheld the shortlisting of candidates based on some rational and reasonable basis.

In Mohd. Rizul Usman Gani & ors. Vs. District & Sessions Judge, Nagpur & ors., (2000) 2 SCC 606, the Hon'ble

Supreme Court held that laying of criteria to shortlist a large number of candidates is permissible provided the same is reasonable and not arbitrary having regard to the post concerned.

In Union of India & Anr. Vs. T. Sundararaman & ors., JT 1997 (5) SC 48, the Hon'ble Supreme Court held that if a large number of applications are received, the Commission may short list candidates for interview on the basis of higher qualifications although all applicants may possess the requisite minimum qualification.

In Pratap Singh Vs. High Court of Judicature for Rajasthan through its Registrar, 2001 (2) Western Law Cases 1, a Full Bench of this Court, placing reliance over various decisions of the Hon'ble Supreme Court and other High Courts, upheld the validity of short-listing.

In Dr. Narpat Singh Vs. RPSC & Anr., 1996 (3) WLC 243, this Court held that the Public Service Commission being expert body is entitled to fix criteria for short-listing.

In view of the various decisions of the Hon'ble Supreme Court and a Full Bench decision of this Court, the respondents herein were justified in adopting shortlisting method.

In view of the legal position culled out from the aforesaid decisions, in my considered view, the respondents are

justified and well within the competence in holding screening for the purpose of short-listing.

In this view of the matter, the writ petition lacks merit and it is dismissed accordingly. There shall be no order as to costs.

(H.R. PANWAR), J.

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